

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

AMAZIN' RAISINS INTERNATIONAL, INC.,

Plaintiff,

v.

OCEAN SPRAY CRANBERRIES, INC.,

Defendant.

Civil Action No. 1:04-cv-12679-MLW

OCEAN SPRAY'S MOTION FOR SUMMARY JUDGMENT OF NONINFRINGEMENT

PLEASE TAKE NOTICE that for the reasons detailed in the accompanying Memorandum in Support of Defendant's Motion for Summary Judgment of Noninfringement, Concise Statement of Material Facts in Support of Ocean Spray's Motion for Summary Judgment, and accompanying Declarations of Michael A. Scott, Harold Mantius, and William R. Woodford, Defendant Ocean Spray Cranberries, Inc. hereby moves the Court to enter summary judgment that Defendant has not infringed and does not infringe United States Patent No. 5,188,861.

REQUEST FOR ORAL ARGUMENT

Defendant Ocean Spray Cranberries, Inc. hereby requests oral argument on Defendant's Motion for Summary Judgment of Noninfringement.

LR 7.1(a)(2) CERTIFICATION

Pursuant to LR 7.1(a)(2), Defendant certifies that the parties have made a good faith effort to resolve and narrow the dispute presented in this motion and have been unable to resolve the matters set forth herein.

Dated: December 21, 2005

FISH & RICHARDSON P.C., P.A.

/s/William R. Woodford

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